

Return to:
City of Durham
City-County Planning Dept.
101 City Hall Plaza
Durham, NC 27701

ORDINANCE # _____

**AN ORDINANCE ANNEXING TO THE CITY OF DURHAM AN AREA HEREINAFTER DESCRIBED AND WHICH IS
NON-CONTIGUOUS TO THE CORPORATE BOUNDARY OF THE CITY OF DURHAM, UNDER THE PROVISIONS OF
NCGS 160A-58 ET.SEQ.
(Akal Creek Phase IIA)**

WHEREAS, a petition was filed by the owner for annexation of certain property described in Section 1 to the City of Durham; and

WHEREAS, said petition was referred to the City Clerk to investigate its sufficiency, and the City Clerk has certified that said petition is sufficient; and

WHEREAS, the City Manager fixed **7:00 p.m. on September 2, 2014**, at the City Council Chambers of City Hall as the time and place for a public hearing on the question of annexation of said property and ordered that notice of such public hearing be published as provided by NCGS 160A-31(c); and

WHEREAS, said notice of public hearing was duly published in the Durham Herald-Sun one time at least ten (10) days prior to the date of the public hearing; and

WHEREAS, at this public hearing, all residents of the City of Durham were given an opportunity to be heard on any questions concerning the desirability of the annexation.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DURHAM MAKES THE FOLLOWING FINDING AND DETERMINATIONS:

1. The area proposed for annexation and the accompanying petition meet the requirements of NCGS 160A-58.1(b) in that;

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the primary corporate limits of the City of Durham; and
 - b. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another City than the primary corporate limits of the City of Durham; and
 - c. The area is so situated that the City of Durham will be able to provide the same services within the proposed satellite corporate limits that it provides within its corporate limits; and
 - d. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in NCGS 160A-376, then all of the subdivision is included; and
 - e. The petition contains the names, addresses, and signatures of all owners within the area proposed for annexation; and
 - f. The petition describes the area for annexation by metes and bounds description and by the annexation plat; and
2. The petition is otherwise valid; and
 3. The public health, safety, and welfare of the inhabitants of the City and of the area proposed for annexation will best be served by annexation of the area proposed.

IT IS THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF DURHAM:

Section 1. That certain area bounded and described below is hereby annexed to and made a part of the City of Durham and that minor technical changes to the metes and bounds description and/or to the annexation map may be made administratively to conform to the ownership of the property that has been submitted for annexation.

Beginning at a ½" iron pipe of the eastern right of way of Herndon Road, said point being the southwestern corner of Daniel J. & Deborah Bentley, having North Carolina Grid Coordinates of North 774,108.2143 ft., and East 2,020,354.0269 ft. 1983 NAD; thence leaving the eastern right of way of Herndon Road, along the southern line of Daniel J. & Deborah Bentley (Durham County PIN 0727-03-04-4157), S 89deg. 50'05"E, 200.17 ft. to a ½ diameter iron pipe on the western line of Patterson Park, LLC (PIN 0727-03-04-6136); thence along the western line of Patterson Park, LLC and Anne K. Thompson (0727-03-04-6022), S 02deg. 28'51"W, 200.02 ft. to a ½" diameter iron pin and cap at the northwestern corner of Terry & Paula McDoo; thence along the northern line of Bruce Hill (0727-03-04-4846). N 89deg. 50'05"W, 200.50 ft. to a point on the eastern right of way of Herndon Road; thence along the eastern right of way of Herndon Road, N 02deg. 34'25"E, 200.00 ft. to the point and place of Beginning; containing 0.919 acres.

Section 2. From and after the effective date of this annexation ordinance the area so annexed shall be subject to all debts, laws, ordinances, and regulations of the City of Durham and shall be entitled to the same privileges and benefits as other parts of the City.

Section 3. This ordinance shall be in full force and effect from and after **September 30, 2014**.